State of Maine

MAINE SUPREME JUDICIAL COURT		Docket No. BAR-12-11
IN RE: Daniel W. Bates, Esq.)))))	Order for Appointment of Receiver M. Bar R. 7.3(f)(1)
)	

Upon the Petition for Appointment of Receiver filed by the Board of Overseers of the Bar, pursuant to M. Bar R. 7.3(f), this Court Orders the following:

As of this date, Andrew T. Dawson, Esq. (Goodspeed & O'Donnell) is appointed the Receiver of Attorney Daniel W. Bates's law practice. Attorney Dawson shall:

- 1. Secure the professional files, client property and client data of Attorney Bates.
- 2. Obtain access to Attorney Bates's post office boxes to secure any law office or legal mail.
- 3. Inventory the open and closed client files.
- 4. Give priority attention to client matters which are open and time sensitive.
- 5. Notify clients or former clients that the law practice has concluded and provide opportunity for clients to retrieve their property.
- 6. Attorney Dawson shall also prudently access and utilize Attorney Bates's operating and IOLTA accounts to effect the formal conclusion

of the practice, including the temporary retention of office staff or other personnel as necessary and appropriate.

As a service to the bar, Attorney Dawson has agreed to serve as this Receiver on a *pro bono* basis. He shall submit a quarterly written report to the Court and the Board of Overseers of the Bar containing a record of time worked and disbursements made in this matter. Attorney Bates's Estate shall be the first choice for source of payment for those disbursements. If insufficient assets are available from Attorney Bates's Estate, the Board of Overseers of the Bar may be an alternate payment source for those disbursements.

Attorney Dawson shall act as Receiver until discharged by the Court either by Motion or in accordance with M. Bar R 7.3(f).

Attorney Dawson so appointed shall not disclose any information contained in any file listed in such inventory without the consent of the client to whom such file relates except as may be necessary to carry out an order of court including any order under M. Bar R 7.3(f).

Furthermore, Attorney Dawson/Goodspeed & O'Donnell may be engaged by any former client of Attorney Bates's provided that he informs such client in writing that the client is free to choose to employ any attorney, and that the Court's appointment order does not mandate or recommend the Receiver's employment by the client.

The Receiver(s) is subject to all Maine Rules of Professional Conduct,

including M. R. Prof Conduct 1.7; 1.8 and 1.9 regarding conflicts of interest.

However, a client's retention of the Receiver(s) as successor counsel is not a per

se conflict of interest solely by reason of Attorney Dawson's appointment by

this Order.

Attorney Dawson and Goodspeed & O'Donnell shall be protected from

liability for professional services rendered in accordance with this Order to the

extent permitted by law.

Finally, within one hundred twenty-five (125) days of this Order, the

Receiver shall file a status report with the Court, with a copy to the Board of

Overseers of the Bar, c/o Assistant Bar Counsel Aria Eee, Esq.

Dated: 11-27-12

/s/ Andrew M. Mead

Associate Justice

Maine Supreme Judicial Court